

**Notice of Allowability**

Application No.

09/533,212

Examiner

Robert M. Pond

Applicant(s)

MCINTYRE, DALE F.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 16 December 2004 and Examiner's Amendment (paper #20050128).
2. ☒ The allowed claim(s) is/are 2-4, 7, 8, 11, 14-19 and 23-25.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

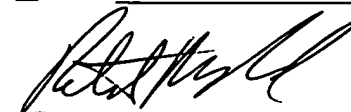
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20050128.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20050128.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Amendment 16 December 2004.

  
Primary Examiner

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

### ***Response to Amendment***

The requirement for the Examiner's Amendment is in response to the supplemental amendment filed 16 December 2004 in response to the Examiner telephonic interview regarding claim language objections. The Applicant canceled Claims 1, 5, 6, 9, 13, and 20, and newly added Claims 23-25. Claims pending are 2-4, 7, 8, 11, 14-19, and 23-25.

### **Authorization**

Authorization for this examiner's amendment was given in a telephone interview with Mr. Frank Pincelli, Reg. #27,370 on 07 February 2005.

### **Allowed Claims**

Claims 2-4, 7, 8, 11, 14-19, and 23-25 are allowable over the prior art of record.

**In the Claims**

The following changes to the claims have been approved by the Examiner and agreed upon by the Applicant. The application has been amended as follows:

- In Claim 18, line 2, after "contains" delete "a same" and insert therefore: - -the same number of- -
- In Claim 25, line 8, delete "keeping" and insert therefore: - -tracking and storing- -

**In the Specification**

The following change to the specification has been approved by the Examiner and agreed upon by the Applicant. The application has been amended as follows for the paragraph beginning on page 4, line 5: after "b)." delete "keeping" and insert therefore: - -tracking and storing- -

**In the Drawings**

The following changes to the drawings have been approved by the Examiner and agreed upon by Applicant: Figure 1, move card reader component 25 from photofinisher to retailer kiosk 23 to reference card reader component that belongs with the kiosk (please see specification page 6, line 5). In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

**Reasons for Allowability**

The following is an examiner's statement of reasons for allowance: The field of the invention pertains to photoprocessing services and the invention is specifically aimed at providing credit to customers for unused or unusable image frames on a roll of photographic film, and accruing credit in a customer account managed by computer until a predetermined threshold value of accrued credits of unused or unusable image frames is attained, and thereby providing the customer with a product of comparable photographic utility for the customer comprising a roll of photographic film. This process is separate and distinguishable over the prior art of only charging for prints developed.

Claim 23: no prior art of record discloses nor teaches a system for managing photoprocessing services of a service provider for filling image orders with respect to rolls of photographic film submitted by a customer with a means on the computer for automatically assigning credit to a customer's account for unused or unusable images on rolls of photographic film submitted by the customer wherein a number of accrued unused or unusable images are compared to a threshold value.

Claim 24: no prior art of record discloses nor teaches a method for processing images on a plurality of image retaining devices submitted by a customer that automatically determines the number of unused or unusable images on each processed image retaining device submitted for processing by a

customer, maintains a customer account on a computer database with respect to the plurality of image retaining devices, and automatically credits the customer's account for unused or unusable images in accordance with a predetermined criteria wherein the predetermined criteria comprises comparing the number of images of the image retaining device as was designed to capture with the number of unused or unusable images on each of the processed image retaining devices.

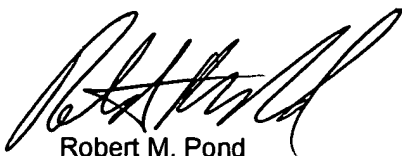
Claim 25: no prior art of record discloses nor teaches a computer software product for use in filling image orders with respect to images on an image retaining device, the computer software product being stored on a computer readable medium having stored instructions which, when executed by a computer, causes the computer to automatically determine the number of unused or unusable images on each of the processed image retaining devices, and automatically credits the customer account for the unused or unusable images in accordance with a predetermined criteria wherein the predetermined criteria comprises comparing the number of images of the image retaining device as was designed to capture with the number of unused or unusable images on each of the processed image retaining devices.

**Conclusion**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance." Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 703-605-4253. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Robert M. Pond  
Primary Examiner  
01 February 2005